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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/241,994 02/02/99 HICKLING

R TECHCON. 001A

WM01/1010

EXAMINER

SCOTT R HANSEN ESQ  
OPPENHEIMER WOLFF & DONNELLY LLP  
2029 CENTURY PARK EAST 38TH  
LOS ANGELES CA 90067

TSE, V

ART UNIT

PAPER NUMBER

2634  
DATE MAILED:

10/10/01

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



## Office Action Summary

Application No.  
09/241,994

Applicant(s)

Hickling

Examiner

Young Tse

Art Unit

2634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Aug 17, 2001 and Jun 13, 2001

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-19 is/are pending in the applica

4a) Of the above, claim(s) 13 is/are withdrawn from considera

5)  Claim(s) 1-7, 14-16, 18, and 19 is/are allowed.

6)  Claim(s) 17 is/are rejected.

7)  Claim(s) 8-12 is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirem

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election of Figs. 3 and 4 (claims 1-12 and 14-19) in Paper No. 16 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claim 13 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 16.

### ***Information Disclosure Statement***

3. The information disclosure statement filed Feb 5, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The PCT WO0046926 and PCT WO0079706 have not been considered because no copy has been provided by Applicant. (Also see paragraph 1 of the last Office action mailed on March 14, 2001)

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***Claim Objections***

4. Claims 8-12 are objected to because of the following informalities: in line 1 of each of claims 8-12, the phrase "a receiver" should be changed to --the receiver-- for clarity; further, in claim 10, line 4, the phrase "according a filter characteristics" should be changed to --according to filter characteristics--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 is vague and indefinite because it is in a method manner, however, both claim 14 and 17 are apparatus claims.

Applicant is suggested to make the following changes:

Lines 1-2, the phrase "performs the steps of" should be changed to --comprises--.

Line 3 , the word "producing" should be changed to --means for producing--.

Line 4 , the word "producing" should be changed to --means for producing--.

Line 5, the word "coupling" should be changed to --means for coupling--.

Line 6, the word "coupling" should be changed to --means for coupling--.

Line 7, the word "coupling" should be changed to --means for coupling--.

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***Allowable Subject Matter***

6. Claims 1-7, 14-16, and 18-19 are allowed.
7. Claims 8-12 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.
8. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Young Tse** whose telephone number is **(703) 305-4736**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Stephen Chin**, can be reached at **(703) 305-4714**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

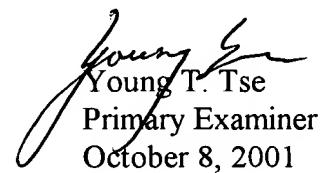
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Young T. Tse  
Primary Examiner  
October 8, 2001